

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

EDWIN GOLDEN, No. CIV S-03-2379-MCE-CMK-P

Plaintiff,

VS.

## ORDER

TOM L. CAREY, et al.

## Defendants.

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brings this civil  
pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's motion for  
of counsel (Doc. 22), filed on August 31, 2006

The United States Supreme Court has ruled that district courts lack authority to require counsel to represent indigent prisoners in § 1983 cases. See Mallard v. United States Dist. Court, 490 U.S. 296, 298 (1989). In certain exceptional circumstances, the court may request the voluntary assistance of counsel pursuant to 28 U.S.C. § 1915(e)(1). See Terrell v. Brewer, 935 F.2d 1015, 1017 (9th Cir. 1991); Wood v. Housewright, 900 F.2d 1332, 1335-36 (9th Cir. 1990). In the present case, the court does not at this time find the required exceptional circumstances.

Accordingly, IT IS HEREBY ORDERED that plaintiff's request for the appointment of counsel is denied.

DATED: September 5, 2006.

Craig M. Kellison  
**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE